



PATENT
Attorney Docket 046124-5025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yukio KATO *et al.*

U.S. Application No.: 09/555,342

Filed: May 26, 2000

For: HUMAN FETUS CHONDROCYTE-
DERIVED GENE

Group Art Unit: 1643

Examiner: Minh-Tam Davis

TECH CENTER 1600/2300

MAR 22 2002

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AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.111 in response to the Office Action dated December 19, 2001 (Paper No. 9), the period to respond extends to March 19, 2002.
2. Additional papers enclosed:
 - (i) Statement Accompanying Sequence Listing with computer readable formatted diskette and paper *copy* of Sequence;
 - (ii) Second Information Disclosure Statement Under 37 CFR 1.97(c) with PTO 1449 listing 6 references and a copy of each of the references;
 - (iii) PCT Notification Concerning Submission or Transmittal of Priority Document with true and complete translation.; and
 - (iii) Issues related to the GenBank Listing (32 pages of various documents)
3. Extension of Time:

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
4. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining		Previously Paid	Extra	at Rate of	Total Fees
Total Claims	37	minus	32	5	at \$18 each =	\$90.00
Independent Claims	15	minus	9	6	at \$80 each =	\$480.00
First presentation of Multiple dependent claim					\$270.00	
SUB-TOTAL =						\$570.00
Reduction by ½ for filing by a small entity						\$0.00
TOTAL FEE =						\$570.00


5. Fee Payment

The Commissioner is hereby authorization to charge deposit account no. 50-0310 in the amount of \$750.00 for additional claims (\$570) and submission of an Information Disclsoure Statement \$180).

6. Constructive Petition: Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **March 19, 2002**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
202-739-3000
202-739-3001
ECW/BWM:dvb

Respectfully submitted
Morgan, Lewis & Bockius LLP


Bonnie Weiss McLeod
Registration No. 43,255

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yukio KATO *et al.*

Application No.: 09/555,342

Filed: May 26, 2000

Re: Human Fetus Chondrocyte-Derived Gene

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) Group Art Unit: 1642

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) Examiner: Minh-Tam Davis
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Box Sequence

Commissioner for Patents
Washington, D.C. 20231

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STATEMENT ACCOMPANYING SEQUENCE LISTING

The undersigned hereby states upon information and belief that the Sequence Listing submitted concurrently herewith does not include matter which goes beyond the content of the application as filed and that the information recorded on the diskette submitted concurrently herewith is identical to the written Sequence Listing submitted herewith.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 19, 2002

By: Rachel B. Kapust
Rachel B. Kapust

Customer No. 009629

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